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Of Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

DANN REINHART,

Plaintiff,

v.

LANDSTAR RANGER, INC., LLOYD  
EUGENE THEEN,

Defendants.

Case No.

**NOTICE OF REMOVAL**

Defendants Landstar Ranger, Inc.. (“Landstar”) and Lloyd Theen (“Theen”), hereby remove this action from the Circuit Court for the State of Oregon, Deschutes County, to the United States District Court for the District of Oregon, Eugene Division, pursuant to U.S.C. § 1332, § 1441, and § 1446. Removal is warranted under 28 U.S.C. §1441(b) because this is a diversity action over which the Court has original jurisdiction under 28 U.S.C. § 1332. In support of this Notice of Removal, Defendants state as follows:

**NOTICE OF REMOVAL**

## **I. INTRODUCTION**

1. Plaintiff filed his Complaint on August 12, 2021, in the Circuit Court for the State of Oregon, County of Deschutes, Case No. 21CV32569. *See* Declaration of Brian B. Williams, Exhibit A. Defendant Landstar was served on October 1, 2021. Defendant Theen was served on October 9, 2021. *See* Declaration of Brian B. Williams, Exhibit B.

## **2. NOTICE OF REMOVAL IS TIMELY**

2. This Notice is filed within one year of the commencement of this action.
3. Defendants file this Notice within 30 days of service of Plaintiff's Complaint on October 9, 2021. Thus, Notice of Removal is timely under 28 U.S.C. § 1446(b)(1).

## **III. THIS COURT HAS DIVERSITY JURISDICTION**

4. This suit is an action over which this Court would have original jurisdiction under the provisions of 28 U.S.C. § 1332, and, therefore one that may be removed to this Court under the provisions of 28 U.S.C. § 1441 and § 1446. Removal under § 1441 is appropriate when complete diversity of citizenship exists between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

5. This action may be removed to this Court pursuant to 28 U.S.C. § 1441(b) because neither Defendant Landstar nor Theen are citizens of Oregon and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

**A. There is Complete Diversity of Citizenship Between the Parties**

6. Plaintiff is a resident of the State of Oregon. *See* Declaration of Brian B. Williams, Exhibit A. Plaintiff was a resident of the State of Oregon at the time this cause of action was filed.

7. Defendant Landstar is a Delaware corporation with its principal place of business in Florida. Therefore, Landstar is a citizen of Delaware and Florida. 28 U.S.C. § 1332(c)(1) (“A corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business...”)

8. Defendant Then is a resident of the State of Washington. *See* Exhibit C. Then was a resident of the State of Washington at the time this action was filed.

**B. The Amount in Controversy Exceeds \$75,000.00**

9. It is clear from the face of Plaintiff’s Complaint that the “matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.” *See* 28 U.S.C. § 1332(a). Plaintiff seeks \$6,357,000.00. *See* Declaration of Brian B. Williams, Exhibit A.

**IV. PROCEDURAL COMPLIANCE**

13. In accordance with 28 U.S.C. § 1446(a), attached to the Declaration of Brian B. Williams are copies of all process, pleadings, and orders served.

14. Pursuant to 28 U.S.C. § 117, the U.S. District Court for the District of Oregon, Eugene Division is the federal judicial district encompassing the Circuit Court for the State of Oregon, County of Deschutes, where this suit was originally filed. Venue is therefore proper in this district under 28 U.S.C. § 1441(a).

15. No previous application has been made for the relief requested herein.

16. Written notice of the filing of this Notice of Removal is being served on Plaintiff

through his counsel of record, and a copy of this Notice of Removal will be promptly filed with the Clerk of the Circuit Court for the State of Oregon, County of Multnomah. *See* 28 U.S.C. § 1446(d).

#### **V. CONCLUSION**

17. There is complete diversity between Plaintiff and Defendants and the amount in controversy requirement is satisfied.

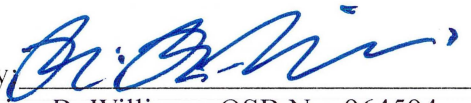
#### **VI. JURY DEMAND**

18. Defendants demand trial by jury in this action on all issues.

WHEREFORE, Defendant give notice that the above action now pending in the Circuit Court for the State of Oregon for the County of Deschutes as Case No. 21CV32569 has been removed therefrom to this court.

DATED: November 2, 2021.

HITT HILLER MONFILS WILLIAMS LLP

By:   
\_\_\_\_\_  
Brian B. Williams, OSB No. 964594  
Tomas F. Osborne, OSB No. 164484  
Of Attorneys for Defendants

TRIAL ATTORNEY: Brian B. Williams

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **NOTICE OF REMOVAL** on:

Joseph S. Walsh  
Hawn & Walsh LLC  
965 SW Emkay Drive, Suite 200  
Bend, OR 97702  
Fax: 541-382-3328

*Attorney for Plaintiff*

by the following indicated method or methods:

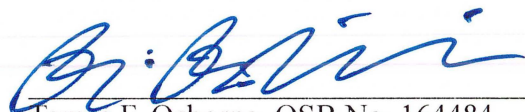
☒ by **MAILING** a full, true, and correct copy thereof in a sealed first-class postage-prepaid envelope, addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Portland, Oregon, on the date set forth below.

☐ by causing a full, true, and correct copy thereof to be **HAND-DELIVERED** to the attorney at the attorney's last-known office address listed above on the date set forth below.

☐ by sending a full, true, and correct copy thereof via **OVERNIGHT COURIER** in a sealed, prepaid envelope, addressed to the attorney as shown above, at the last-known office address of the attorney, on the date set forth below.

☒ by **FAXING** a full, true, and correct copy thereof to the attorney at the fax number shown above, which is the last-known fax number for the attorney's office, on the date set forth below. The receiving fax machine was operating at the time of service and the transmission was properly completed.

DATED: November 2, 2021.



Tomas F. Osborne, OSB No. 164484  
Brian B. Williams, OSB No. 964594  
Attorneys for Defendants